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CAUSATION OF DAMAGE, DAMAGE COMPENSATION AND INSURANCE

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POSSIBILITIES OF APPLYING ARTIFICIAL INTELIGENCE IN COURT PROCEEDINGS

Summary

The ever-expanding possibilities of (legal) application of modern technological means in court proceedings have brought this issue into one of the most current topics in general. Special attention of doctrine and practice has attracted special attention to this procedural issue since the beginning of the global health crisis caused by the SARS CoV19 pandemic. With the end of the pandemic, the issue of evidentiary actions through technical innovations and their validity has not diminished. The advantages and disadvantages of the application of artificial intelligence in the compilation of interrogation and interrogation records, in the performance of other evidentiary actions and their interpretation are just some of the situations that deserve our attention. In particular, there is the issue of compensation for damages that can result from errors in results or misuse of AI. This means that the standards in criminal or civil proceedings that have been reached cannot be derogated by accepting all the benefits of AI without a critical approach. Due process and the protection of human rights with the use of AI in judicial proceedings must be based on the normative solutions of organic laws. Standards lower than that would violate the principle of legality of the evidentiary actions performed.

Keywords: *Application of Artificial Intelligence, Court Proceedings, Human Rights Standards, Compensation for Damages.*

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1. Introduction

Modern criminal procedural law in Serbia, based on the traditional rules of criminal court procedure of continental European law, did not deal with the issues of audio recordings as a means of evidence, nor with actions in the procedure that were performed through modern technologies. To date, this situation has objectively changed, so that from the former incidental situation when the court proceedings were recorded, we have come to the fact that this issue appears more and more often.

Earlier procedural laws did not regulate the manner of using technical means and instruments, much less did they deal with the issues of their lawful use. Following the application and observance of the principles of criminal procedural law, this deficiency, regardless of the principle of free assessment of evidence, causes different views in doctrine and jurisprudence regarding the procedural nature of the use of sound and image instruments.

The development of IT and technical achievements makes it possible to secretly record telephone conversations, the so-called sound rooms and people, and not only in Agatha Christie's crime stories or James Bond films. Increasingly, the competent state authorities have begun to use technical means in detecting and prosecuting perpetrators of criminal offenses, opening the possibility for unlimited interference of the authorities in the basic human rights to the inviolability of the home, or the right to respect for private and family life. But, from recording events today, through the development of technology, we have come to the possibility of using technical means in all their forms such as communication via the Internet, photography, film, sound and television transmissions or recordings and the like. The question that has been asked before was the question of the legal nature of these recordings. In German theory, Eisenberg[1] labels the results of the use of technical means in criminal proceedings as objects of investigation, regardless of the fact that some have wished to equate them with the concept of documents in criminal law. But, that's a separate topic. Technical recordings of facts in criminal proceedings are treated as a specific type of evidence, the peculiarity of which is that they are not the result of human observations, but of the registration of a technical instrument, which automatically records the facts independently of the will of the man who installs it. This is sui generis evidence, which is recognized as such. The beginning of this is in the CPC from 1976, which knows the use of tape recordings of investigative actions.

[1] U. Eisenberg, *Beweisrecht der StPO, Speciazlkommentar*, 2.Aufl., C.H.Beck, München 1996, Rdn 2282-2304.

The debate could go in a number of directions. The question of the permissibility of the results we arrive at through the use of technical instruments and their legality is one thing. The second issue is their division into data (evidence) obtained as a result of an evidentiary action carried out by the competent state authorities on the one hand, and evidence obtained outside of criminal proceedings, which was created by public registration. Last but not least, there is the use of artificial intelligence by converting spoken words into written text. Most of the problems arose during the lockdown that accompanied the COVID-19 outbreak since the beginning of 2020. Many of the questions that were raised at the time, from the trial among those present who were not physically present in the courtroom, to the use of digital technologies, are still unanswered. The use of these results must be seen in the light of respect for human rights guaranteed by the Constitution and international law, such as the right to the inviolability of private and family life or the principle of immediacy. There is also the application of the principle of free evaluation of evidence, as well as all other principles. Only when we have law-based solutions will we be able to reconcile this plurality of ways of taking evidence with the norms of criminal procedural law. It is a question of criminal procedural standards[2] that are reached through international legal norms and provisions of domestic laws, with the basic postulate of protecting human rights and freedoms. But let's start from the beginning.

2. An Example and a Few Dilemmas about It

At the beginning of January 2023, the New York Post[3] published an article on the use of AI, which helps the defendant as legal counsel, to defend himself in the procedure for imposing a traffic fine. The AI, billed as the world's first robot lawyer by the startup that created it, DoNotPay, will run on a smartphone and listen to court arguments in real-time before telling the defendant what to say via headphones. This was an unprecedented case until then, but those who created the so-called robot lawyer did not want to say in which court in the United States this case was conducted.

Science and technology publication *New Scientist* reported that the ticket at the centre of the trailblazing case was issued for speeding, and the

[2] Z. Pavlović, „Poligrafsko ispitivanje i krivično-procesni standardi", in: *Adekvatnost državne reakcije na kriminalitet i upotrebu tehničkih sredstava u krivičnom postupku*, Srpsko udruženje za krivičnopravnu teoriju i praksu, Bijeljina 2021, 201–213.

[3] https://nypost.com/2023/01/05/robot-lawyer-powered-by-ai-will-help-fight-speeding-ticket-as-it-takes-first-case-in-court/, last visited 15. 05. 2024.

defendant will only say in court what the AI instructs them to say.[4] If they lose the case, DoNoPay is committed to covering all subsequent costs and penalties. The founder of the AI company, J. Browder, a Stanford University-educated computer scientist, launched DoNotPay in 2015 as a chatbot that provides legal advice to consumers dealing with late fees or fines, but the company pivoted to AI in 2020. What is characteristic of the system is that it has mastered the jurisprudence in this area and that it sticks to the truth, without manipulation. The AI app's software was adjusted so it does not automatically react to everything it hears in court. Instead, it will listen in on the arguments and analyze them before instructing the defendant how to respond.

The idea behind this system is that his company's AI begins by asking the client what the legal problem is, then finds a loophole and turns that loophole into a legal letter, which it can send to the right institution, or upload to a website.

In any case, the example of the application of AI in proceedings to challenge the payment of fines for illegal parking or speeding shows that AI and legal science are increasingly combined, through so-called legal assistance software.

Searching databases of court decisions, writing legal documents, assessing the outcome of an upcoming court case based on known facts on the one hand, laws and bylaws on the other, are examples of the application of AI, which is referred to as the legal industry. It is indisputable that a citizen can use the help and support of such IT solutions before a state authority, regardless of the fact that it is doubtful how useful they are always, without the role of professionals who need to control and apply these results. It is our right to take advantage of the benefits offered by AI, with the risks that are evident. The question of whether such an AI solution could replace the defender is rhetorical in nature.

On the other hand, many countries today officially use various digital technologies for data processing in their criminal systems, i.e. automatic systems that can link crimes by the method of execution, by place, consequences or other characteristics. These systems, which are used for criminal profiling, are based on searching for an answer to the question of what a criminal offense (a consequence of a criminal offense) tells us about the perpetrator. Such work implies that the authorities working on detecting perpetrators of a criminal offense must deal with collecting as much quality information as

[4] https://www.newscientist.com/article/2351893-ai-legal-assistant-will-help-defendant-fight-a-speeding-case-in-court/, 15. 05. 2024.

possible for analysis, in order to reach the perpetrator through data analysis. The introduction of AI in the field of investigation and detection of crimes and their perpetrators must therefore always be correlated with the protection of human rights. Artificial intelligence can often draw wrong conclusions based on the data for analysis prepared by a human, so the results of these checks are only used in correlation with all other data.

Therefore, all profiling techniques must always be accepted with extreme caution, as predictive policing, and as such a model cannot be accepted as the main model, but rather as an auxiliary tool in criminal work.

Another case where AI has been used in the past is facial recognition technology, which plays a role in identifying people with identity documents. The use of artificial intelligence in this way in judicial criminal proceedings can only be an auxiliary tool in the preparation of findings and opinions, but not an independent method of establishing identity. Solving algorithms of facial features is solved faster with AI, but is that the only thing needed to establish identity? We want to say that in order to protect the principles of legality and human rights of participants in the procedure, these issues must always be resolved with the participation of a human, not AI.

It is clear that, in addition to the necessary careful handling of technological achievements in criminal proceedings, we must also have predetermined rules that will protect human rights without discrimination. A national strategy can be the basis for the development of legal solutions, but not directly applicable. In other words, the key role in the rights of an individual in criminal proceedings cannot be played by the technological solution of AI, but by the human (judge) and his contribution who creates the decision.

3. The Use of AI in Evidentiary Actions by Converting Speech into Written Text

During the COVID-19 pandemic, there have been a number of different possibilities for the use of AI in the performance of evidentiary actions. While some of them have reached a consensus through the possibilities provided by AI in identifying participants in public transport, some other solutions have not moved further than the beginning. From the previously recognized possibility of recording the main hearing, as well as other actions during criminal proceedings, IT solutions have been developed that allow the human voice to be transcribed into text, which is entered into the record via AI.

But, although there are already several high-quality IT programs for this, which are not unknown to the legal public, the previous option has not

yet been introduced in all courts in the Republic of Serbia for various reasons. Namely, although the Criminal Procedure Code[5] has provided for the possibility that the entire course of the main trial can be recorded, this is still not the rule in all courts and all types of proceedings. The audio-recorded course of the evidentiary action is transferred through appropriate technical processing into the written text of the record.

Modern software solutions that have the appropriate legal vocabulary can use IT to convert the recorded voice into a text document, which could be supplemented or edited. It is an AI program that allows the testimonies of the defendant, witnesses, experts and other participants in the proceedings to be neither dictated on the record nor made into a written text through audio equipment. The audio recording is evidence, with the classic record that is made on that occasion, but the automatic transcription of speech into text form with the support of AI would significantly speed up the evidence itself and follow the course of the process without interruption. Traditional discussions about the minutes not containing the full statements given, the court (or the public prosecutor) omitting parts that may be important when dictating would be skipped if such an AI-enabled solution could be used on the basis of the Act.

However, the accuracy of such converted speech into text form via AI is not entirely accurate. This further indicates that these precisions would have to be checked for every sound recording and relative content in every evidential action. Technical solutions could mark the converted speech temporally, so this might not be a big problem, but until a perfected software solution is reached, this should not be taken as a solution that is acceptable for evidence and evidentiary proceedings before the court.

4. Other AI Options in Speech Transcription

The obligation of sound and optical recording, except in the case of criminal offences where special evidentiary actions may be applied, should become the rule in all proceedings. In this way, a new quality would be achieved in the procedure, because the entire testimony of the participants in the procedure would be kept integrally. The problem of manual transcription makes this action difficult, and only through automatic transcription can we come up with a viable solution, with the caveats already put forward. Therefore, a

[5] Criminal Procedure Code, *Official Gazette* SRY, No. 70/2001, 68/2002, *Official Gazette of the Republic of Serbia*, No. 58/2004, 85/2005, 115/2005, 85/2005, 49/2007 and 20/2009. Criminal Procedure Code. *Official Gazette of the Republic of Serbia*, No. 72/2011, 101/2011, 121/2012, 32/2013, 45/2013, 55/2014, 35/2019, 27/2021 and 62/2021.

recording of the evidentiary action of the examination of a witness, and especially of a privileged, especially sensitive and vulnerable witness, with the use of AI that would enable automatically textually recorded testimony, would enable better quality evidence and lead to greater efficiency of the procedure.

A similar situation with the testimonies of the defendant, witnesses, experts and other participants in the proceedings is with interpretation and translation. This is particularly important in the context of international cooperation and/or cross-border exchange of evidence. It is certain that a generic language is different from a legal language, which further means that translating from a foreign language into a vernacular can cause additional difficulties. Until now, criminal proceedings depended on the skill of the translator or interpreter, the judge or the authority conducting the proceedings, to translate and interpret what was said. AI tools that can convert speech into written text can be a good solution, if they have enough software to do so. If the defendant himself does not have a transcribed speech into text, he will not have all the tools necessary to protect his rights to complain about the quality of the translation used. Translators for rare languages in use in the field of domestic courts can also pose an additional problem, which has often been an additional problem.

In this context, the use of automatic translation and interpretation would allow the defendant to come up with a translation that would satisfy the quality of what was said with the help of software solutions provided by AI.

However, despite the fact that we insist on resolving the issue of AI speech-to-text transcription based on legal changes, there are also parts of the process that can represent the field of application of AI right now. Often, in certain criminal proceedings where there is a larger number of perpetrators, a larger number of documents or a large number of different electronic devices, the time required for their expertise extends to a longer period of time. Such a large database from which to exclude certain digital evidence is often a field where it is not easy to extract relevant data.

That is why artificial intelligence and its software solutions could be used to process larger amounts of data through their integration and subsequent analysis, which is the basis for the efficiency of the process. AI software solutions can connect and analyze all the facts contained in the data carrier in a short time, regardless of how complex this data is and in what form, whether it is SMS messages, e-mails, photos, audio recordings and more. Evidence today is often big data and as such would require traditional methods of treatment and analysis that can take several months or years, and with the application

of AI tools, forensic data can be quickly and efficiently brought before the law enforcement authority. The search for potential evidence would thus be accelerated, and public confidence in the justice system would increase.

5. Existing Limitations of the Use of AI in Comparative Legislation

The way in which artificial intelligence could be used with its solutions to process large amounts of data has its advantages. However, there are also limitations to such large tasks. Programs that would work on processing such large amounts of data are man-made, organizing the program with a model of questions and potential answers to be found, and in this way are not devoid of prejudices, such as gender, culture, religion, race, and others. Bias can have many negative connotations, which then makes the results of the obtained searches insufficiently competent to be used in judicial criminal proceedings, appreciating the principle of independence and impartiality. Such problems can also hinder the detection of perpetrators of crimes, as in the previous stages of the procedure.

A problem that occurred in 2015 when the artificial intelligence used by Google for photos for search gave the term gorilla a joint photo of a young man, a white man and a black girl (BBC News, 2015). This event, which was most likely produced unintentionally, due to the subjective omissions of the authors of the algorithm, was subconscious content that Google could not influence, but such an algorithm was used, and thus caused racial discrimination. A more drastic example of this is the solution for the use of artificial intelligence in the Kentucky justice system. A 2011 Kentucky law requires judges to consult an algorithm when deciding whether defendants can post bail. The results of the analysis of the implementation of such a legal regulation have shown that in the implementation of such a solution provided by AI, there are many more whites who are allowed to deposit bail and go home, than other parts of the population who are not white.

In principle, the U.S. and China are at the forefront of the use of artificial intelligence in the judiciary, which provides opportunities for their experience in the application of AI not to repeat the same failures in application in our country. The most well-known algorithm used in the U.S. judiciary is COMPAS,[6] a software that helps judges decide whether to hold defendants in custody or release them to await trial (or the likelihood of recidivism). Racial prejudice against the black population was also embedded in this program,

[6] C. Thomas, A. Nunez, "Automating Judicial Discretion: How Algorithmic Risk Assessments in Pretrial Adjudications Violate Equal Protection Rights on the Basis of Race", *Law & Inequality* 2/2022, 371–407.

based not only on the subjective (subconscious) relationship of the person who prepared the program, but also on previous case law, in which such discrimination existed. In 2019, the U.S. Congress passed the *Algorithmic Accountability Act*,[7] which shifted responsibility for discrimination resulting from the use of artificial intelligence software to the author of the IT solution and the company that owns the program. The law obliges such companies to subsequently remove the discriminatory characteristics from the program.

Other systems that are at the forefront of the use of AI are also trying to introduce restrictions on software authors in order to prevent discrimination in decision-making, so similar regulations have been adopted in the United Kingdom, New Zealand, Australia and France. Although the application of AI results is not yet fully present in criminal proceedings, the examples presented indicate the necessary caution.

China's complex legal system indicates that AI solutions are not applied throughout the country, but that problems in implementation, especially in the case of discriminatory treatment, exist. The otherwise good AI software *206 system*,[8] applied by the courts in Shanghai, has the task of preventing biased decision-making, and warns the judge when his formed decision differs more than 85% from the previous judgment of the higher court, and if the judge insisted on his decision, the case would automatically be submitted to the president of the court for consideration, as by analogy of our request for recusal of the judge. China was the first to introduce the Same Type Case Reference System, which links earlier cases to those currently on trial, to guide the court in making a decision.

A similar role to the one provided by AI to the judge in decision-making in the Shanghai courts was played by the jurisprudential departments of our courts, which worked on the unification of case law. The previous purely manual and intellectual work in our country has been entrusted in China to solutions offered by AI.

A similar system, which is rarely used, exists in the United States. It's called SIS's Sentencing Information Systems, which shows judges how they or other judges have decided in similar cases. All this should make the outcome of the court proceedings as objective as possible, reducing the possibility of the influence of prejudices, although the question could be raised whether such systems only perpetuate old prejudices.

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[7] https://www.wyden.senate.gov/imo/media/doc/algorithmic_accountability_act_of_2023_summary.pdf, last visited 06. 06. 2024.

[8] https://www.sixthtone.com/news/1003496, last visited 06. 06. 2024.

6. Artificial Intelligence, the Rule of Law and Compensation

The very generous offer of American scientist Joshua Browder, the company's founder and CEO, who designed the AI DoNotPay, to compensate the defendant for the damage suffered if he lost the dispute supported by his Robot Lawyer, has raised a whole series of questions related to the rule of law and the possibility of damages resulting from the use of artificial intelligence in court proceedings. One group of these questions would be tied to the contractual relationship between the client and the author of the AI software. The rules that normally apply to compensation for damages could also be applied in this case, in accordance with the concluded contract.

The second group of issues related to possible harm from AI errors would be related to court proceedings where the public interest is at stake. A whole range of possible problems can begin with the question of how AI is used, i.e. whether as an auxiliary tool in a procedure led by a judge, or as a tool in the procedure that does certain things instead of a human.

Regardless of the group of issues involved, one should not lose sight of the fact that the use of AI in judicial proceedings must be regulated by systemic law (the Criminal Procedure Code or the Code of Civil Procedure, for example).

The adoption of Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024[9] does not bring anything new in this regard, except that it gives indications of all the areas in which there is already regulation on AI, from services in the field of healthcare, insurance, public administration and the like, and appropriate solutions. In all of them, if we remain in the sphere of court proceedings, it is possible to cause damage due to various discriminatory decisions made by AI, including not only skin color, gender, but also age, degree of disability, violation of privacy rules, theft of biometric data, and more.

What is possible at the moment is that before using the use of AI, the consent of the participants in the procedure can be requested in civil proceedings, and in court proceedings where the public interest is at stake, AI can be applied extremely restrictively. All this, of course, implies that AI, as a tool that makes life easier, speeds up court proceedings and improves the

[9] Regulation (EU) 2024/1689 Of The European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence and amending Regulations (EC) No 300/2008, (EU) No 167/2013, (EU) No 168/2013, (EU) 2018/858, (EU) 2018/1139 and (EU) 2019/2144 and Directives 2014/90/EU, (EU) 2016/797 and (EU) 2020/1828 (Artificial Intelligence Act), *Official Journal of the European Union*, 2024/1689 from 12.7.2024.

efficiency of trials, cannot become an end in itself, and that the application of AI should not always be insisted upon. Ethical standards with the use of AI cannot be erased because of speed or a cheaper solution.

Because in speed, mistakes are greater, but also the consequences we suffer, including damages. In this sense, certain solutions will have to be provided as soon as possible by other branches of law, including the law of insurance, and the law of obligations, commercial law and many other branches of law. However, these questions require special treatment, and go beyond the idea and scope of this work.

7. Instead of a Conclusion

The issue of artificial intelligence and its application in criminal court proceedings is extremely topical, but it can be said that we still do not have enough professional or scientific literature on the possible use of instruments that AI offers us in criminal procedural law. There is still a lack of systematic discussion.[10] There may be many reasons for this state of affairs, but the fact is that the documents of the Council of Europe and the European Union that are being monitored require full implementation. Although the legal regulation of the use of artificial intelligence in some other countries is comparatively far away from us, not only geographically but also due to the different legal system, we can use positive experiences.

Bearing in mind the fact that the use and application of AI is also based on ethical principles, it is necessary to introduce appropriate solutions into the Codes of Ethics of the Police, Courts and Prosecutor's Offices. In this sense, the rules established by CEPEJ can serve as a good example in the development of future legal solutions. The European Commission for the Efficiency of Justice (CEPEJ), a body of the Council of Europe of which the Republic of Serbia is a member, has adopted the European Charter of Ethics on the Use of Artificial Intelligence in Judicial Systems.[11] The Charter sets out five basic principles as a prerequisite for the use of any artificial intelligence in a country's judiciary:

1. Principle of respect of fundamental rights: ensuring that the design and implementation of artificial intelligence tools and services are compatible with fundamental rights;

[10] D. Avramović, D. Jovanov, „Sudska (ne)pristrasnost i veštačka inteligencija", *Strani pravni život* 2/2023, 161–176.

[11] https://www.coe.int/en/web/cepej/cepej-european-ethical-charter-on-the-use-of-artificial-intelligence-ai-in-judicial-systems-and-their-environment, last visited 06. 06. 2024.

2. Principle of non-discrimination: specifically preventing the development or intensification of any discrimination between individuals or groups of individuals;
3. Principle of quality and security: with regard to the processing of judicial decisions and data, using certified sources and intangible data with models conceived in a multi-disciplinary manner, in a secure technological environment;
4. Principle of transparency, impartiality and fairness: making data processing methods accessible and understandable, authorising external audits;
5. Principle "under user control": precluding a prescriptive approach and ensuring that users are informed actors and in control of their choices.

For the CEPEJ, compliance with these principles must be ensured in the processing of judicial decisions and data by algorithms and in the use made of them. The CEPEJ Charter is accompanied by an in-depth study on the use of AI in judicial systems, notably AI applications processing judicial decisions and data.

Such solutions bring back the topic of presenting and evaluating evidence in criminal proceedings where AI was used to the very beginning: that normative regulation should be carried out in the Criminal Procedure Code, but also to create a sustainable system in which these rules would actually work.

The fact that there is no normative regulation for the implementation of predictive police activities based on artificial intelligence in Serbia is indisputable. The use of AI solutions that are used to predict where, when and by whom a crime will be committed can not only be based on the technical instructions of certain programs, but also in the relevant legal and bylaw solutions. Only in this way will some of the results be able to be used in court proceedings, and the reasons for this are found in numerous court criminal proceedings, which have been standing for a long time, because according to the rules of the law of evidence, data and evidence obtained through AI cannot be used if they are not intended as such.

De lege ferenda, it is necessary to introduce rules into the Criminal Procedure Code that will allow the use of digital technologies in criminal cases, and to ensure electronic communication between courts and prisons in Serbia, courts and prosecutor's offices, and partly between defence attorneys and courts.

Given the fact that we are in a small group of countries in Europe, where neither the defendants nor the victims can access an ongoing case electronically, and that there are no secure electronic connections, this means that videoconferences, which were intended to be used during the 2020 virus pandemic, could not be used in a safe way, not even today.

Such opportunities can significantly help to raise the quality of work of courts and prosecutors' offices, as well as the police and institutions in which detained and imprisoned persons are kept. However, it is clear that there is a lack of application of artificial intelligence in criminal proceedings, with all the dilemmas presented, which, with changes in legal solutions, would already significantly speed up proceedings before our authorities. Progress in the field of technology and artificial intelligence can bring a large number of benefits for a more efficient operation of the judicial system of the Republic of Serbia. When introducing predictable justice in the judiciary, as well as in the prosecutor's office and the police, legal, moral and ethical principles must be respected with great care, as well as the protection of basic human rights, as a standard without which one cannot do without.

This paper is only the beginning and opens up only individual, controversial and less controversial issues in the application of artificial intelligence in criminal court proceedings in general.

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MOGUĆNOSTI PRIMENE VEŠTAČKE INTELIGENCIJE U SUDSKOM POSTUPKU

Apstrakt

Sve veće mogućnosti (pravne) primene savremenih tehnoloških sredstava u sudskim postupcima učinile su ovo pitanje jednom od najaktuelnijih tema ikada. Naročita zainteresovanos doktrine i prakse skrenula je pažnju na ovo proceduralno pitanje još od početka globalne zdravstvene krize izazvane pandemijom SARS CoV19. Završetkom pandemije nije umanjio značaj pitanja sprovođenja i validnosti dokaznih radnji putem tehničkih inovacija i njihova validnost. Prednosti i mane primene veštačke inteligencije u sastavljanju zapisnika o saslušanju ili tokom obavljanja drugih dokaznih radnji samo su neke od situacija koje zaslužuju našu pažnju. Kao naročito značajno se ističe pitanje naknade štete koja može biti rezultat greške tokom upotrebe veštačke inteligencije. To znači da se standardi postignuti u krivičnim ili građanskim postupcima ne mogu derogirati prihvatanjem svih prednosti veštačke inteligencije bez njihovog kritičkog preispitivanja. Pravilan postupak i zaštita ljudskih

prava uz korišćenje veštačke inteligencije u sudskim postupcima zahtevaju poštovanje normativnih rešenja i njima predviđenih standarda. Postupanje po standardima koji su niži od propisanih narušili bi načelo zakonitosti izvršenih dokaznih radnji.

Ključne reči: primena veštačke inteligencije, sudski postupci, standardi ljudskih prava, naknada štete.

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